

# EXHIBIT B

Catherine L. Davis, et al v.  
Dell Inc., et al

Patti J. Powers  
October 14, 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

CATHERINE L. DAVIS AND :  
TOMMY MOORE, INDIVIDUALLY AND :  
ON BEHALF OF OTHERS SIMILARLY :  
SITUATED, :

Plaintiffs :CA NO. 5L07-CV-01401-W

V. :

DELL, INC. D/B/A DELL COMPUTER: :  
INC., DELL USA L.P., AND DELL :  
MARKETING L.P., :

Defendants :

ORAL DEPOSITION OF PATTI J. POWERS  
OCTOBER 14, 2008

ORAL DEPOSITION OF PATTI J. POWERS, produced as  
a witness at the instance of Counsel for the  
Plaintiffs, and duly sworn, was taken in the  
above-styled and numbered cause on the 14th day of  
October, 2008, from 9:15 a.m. to 1:47 p.m., before  
JANE E. DEMARS, Certified Shorthand Reporter in and  
for the State of Texas, reported by machine  
shorthand, at the Law Offices of Ogletree, Deakins,  
Nash, Smoak & Stewart, P.C., 301 Congress Avenue,  
Suite 1250, Austin, Travis County, Texas, pursuant to  
the Federal Rules of Civil Procedure and the  
provisions stated on the record or attached hereto.

Catherine L. Davis, et al v.  
Dell Inc., et al

Patti J. Powers  
October 14, 2008

11:37

1 Q Okay. So are you saying the consumer group  
2 are paid overtime now, not based upon fluctuating  
3 workweek?

4 A Anybody -- So, and forgive me, but from my  
5 perspective, I don't really know, and perhaps care,  
6 who is in what group, but from a payroll perspective,  
7 we look at how you're classified. So you're  
8 classified as hourly, salaried non-exempt or exempt.

9 Q Okay.

10 A So does that make sense?

11 Q Yes.

12 A So if you come over to payroll as an hourly  
13 employee, then that's how your rates will be  
14 calculated.

11:38

15 Q So if all hourly employees are now paid  
16 time and a half for overtime, or how is their  
17 overtime calculated now --

18 A It's always --

19 Q -- if you know?

20 A It's always that way, right. Yes, it's  
21 time and a half for overtime for hourly employees.

22 Q Okay. All right. For the salaried  
23 non-exempt, is Dell using any other method for  
24 calculating overtime now, other than fluctuating  
25 workweek?

Catherine L. Davis, et al v.  
Dell Inc., et al

Patti J. Powers  
October 14, 2008

11:38

1 A No.

2 Q Now, are you aware that Dell has looked at  
3 moving more people to be hourly employees, as opposed  
4 to salaried non-exempt?

5 A I'm not aware.

6 Q Have you been asked for any information to  
7 put into any type of an HR analysis for purposes of  
8 determining classification changes?

9 A I have not.

10 Q The folks that you mentioned, and you don't  
11 know if they're consumer or who they were, but you  
12 knew some people were changed to hourly in '07.  
13 Correct?

14 A Yes.

11:39

15 Q Were you involved in providing any analysis  
16 or data inputs related to that decision-making  
17 process?

18 A I was involved to the extent of helping to  
19 schedule the timing from a payroll perspective.

20 Q What do you mean by that?

21 A So we have biweekly pay periods.

22 Q Yes.

23 A And there are effective dates for rate  
24 changes that are input into the HR system.

25 Q Okay.

Catherine L. Davis, et al v.  
Dell Inc., et al

Patti J. Powers  
October 14, 2008

13:47

REPORTER'S CERTIFICATION  
ORAL DEPOSITION OF PATTI J. POWERS

I, JANE E. DEMARS, Certified Shorthand Reporter  
in and for the State of Texas, do hereby certify  
that, pursuant to the agreement of counsel, came on  
before me, on \_\_\_\_\_, the  
following named person, PATTI J. POWERS, who was duly  
sworn to testify to the truth and nothing but the  
truth touching and concerning the matters in  
controversy in this cause; that he was thereupon  
carefully examined upon her oath and her examination  
reduced to typewriting under my supervision; and this  
deposition is a true record of the testimony given by  
said witness.

I further certify that I am neither attorney nor  
counsel for, related to, nor employed by any of the  
parties to the action in which this testimony was  
taken; and, further, that I am not a relative or  
employee of any attorney or counsel employed by the  
parties hereto or financially interested in the  
action.

I further certify that the deposition transcript  
was submitted on \_\_\_\_\_ to the witness  
or to the attorney for the witness for examination,  
signature and return to me by \_\_\_\_\_;

**Wright Watson & Associates**  
**512-474-4363**

9df36d1d-e89f-42c7-ab3f-1f4e7cb542ae

Catherine L. Davis, et al v.  
Dell Inc., et al

Patti J. Powers  
October 14, 2008

1 The original deposition was/was not returned to  
2 the deposition officer on

3 \_\_\_\_\_;

4 If returned, the attached Changes and Signature  
5 page contains any changes and the reasons therefor;

6 If returned, the original deposition was  
7 delivered to \_\_\_\_\_, Custodial  
8 Attorney;

9 That \$\_\_\_\_\_ is the deposition officer's  
10 charges to the Plaintiffs for preparing the original  
11 deposition transcript and any copies of exhibits;

12 WITNESS MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_  
13 day of \_\_\_\_\_, 2008.

14 \_\_\_\_\_  
15 Jane E. Demars, Texas CSR No. 2789  
16 Expiration Date: 12-31-09  
17 Firm Registration No. 225  
18 WRIGHT WATSON & ASSOCIATES, L.L.C.  
19 1801 N. Lamar Blvd., Mezzanine  
20 Austin, Texas 78701  
21 (512) 474-4363  
22 Job No. 081014JED  
23  
24  
25

**Wright Watson & Associates**  
**512-474-4363**

9df36d1d-e89f-42c7-ab3f-1f4e7cb542ae